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9	BEFORE THE	
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		
12	In the Matter of the Accusation Against:	Case No. 2009-49
13	BRENDA KAYE SEELEY 1447 E. 8th Street	ACCUSATION
14	Beaumont, California 92223	ACCCS ATTOM
15	Registered Nurse License No. 387832	
16	Respondent.	
17		
18	Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:	
19	<u>PARTIES</u>	
20	1. Complainant brings this Accusation solely in her official capacity as the	
21	Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer	
22	Affairs.	
23	Registered Nurse License	
24	2. On or about August 31, 1985, the Board of Registered Nursing issued	
25	Registered Nurse License Number 387832 to Brenda Kaye Sceley ("Respondent"). The	
26	registered nurse license will expire on October 31, 2008, unless renewed.	
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28	 ///	

STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISIONS

6. California Code of Regulations, title 16, section 1442 states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

7. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5...

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COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent is subject to discipline under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about May 22, 2002, while on duty as a registered nurse at San Gorgonio Memorial Hospital, Banning, California, and caring for G.D., a postoperative patient who had undergone a hysterectomy, Respondent committed acts constituting gross negligence, as defined in California Code of Regulations, title 16, section 1442. Respondent failed to report patient G.D.'s hypotensive episodes to the physician, in that patient G.D. had multiple instances of low blood pressure readings that Respondent failed to communicate to the physician.

SECOND CAUSE FOR DISCIPLINE

(Incompetence)

- 10. Respondent is subject to discipline under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about May 22, 2002, while on duty as a registered nurse at San Gorgonio Memorial Hospital and caring for patient G.D., Respondent committed acts constituting incompetence, as defined in California Code of Regulations, title 16, section 1443, as follows:
- a. Respondent failed to provide for the patient's safety, protection, and restorative measures.
- b. Respondent failed to communicate the patient's life-threatening condition of persistent hypotension to the physician:

1	c. Respondent failed to act as the patient's advocate by not initiating	
2	immediate action to improve the patient's condition when she failed to notify the physician of the	
3	patient's persistent hypotensive episodes.	
4	THIRD CAUSE FOR DISCIPLINE	
5	(Unprofessional Conduct)	
6	11. Respondent is subject to discipline under Code section 2761, subdivision	
7	(a), on the grounds of unprofessional conduct, as more particularly set forth in paragraphs 9 and	
8	10 above and incorporated herein as though fully set forth.	
9	PRAYER	
10	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
11	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:	
12	1. Revoking or suspending Registered Nurse License Number 387832, issued	
13	to Brenda Kaye Seeley;	
14	2. Ordering Brenda Kaye Seeley to pay the Board of Registered Nursing the	
15	reasonable costs of the investigation and enforcement of this case, pursuant to Code section	
16	125.3; and,	
17	3. Taking such other and further action as deemed necessary and proper.	
18	DATED: 918108	
19		
20	RUTH ANN TERRY, M.P.H., R.N. Executive Officer Board of Registered Nursing Department of Consumer Affairs State of California	
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23	Complainant	
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